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| 10/820,187 | 04/07/2004 | Karen U. Paradee | 5406-7 7422 | |
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| Needham James Boddie, II | | | ROYAL, PAUL | |
| Myers Bigel Sibley & Sajovec, P.A. P.O. Box 37428 Raleigh, NC 27627 | | | ART UNIT | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary Examiner | | Application No. | Applicant(s) | | | | |
|--|--|--|-------------------------|--|--|--|--|
| Paul Royal | Office Action Comments | 10/820,187 | PARDEE | | | | |
| The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions for the may be availated used the provisions of 3 CPR 1.158(a). In no event, however, may a reply be larnely filed to the period for reply specified above 8 less than thiny (50) days, a ringly within the statutory minimum of thiny (50) days will be considered timely. If the period for reply specified above 8 less than thiny (50) days, a ringly within the statutory minimum of thiny (50) days will be considered timely. If the period for reply specified above 8 less than thiny (50) days, a ringly within the statutory minimum of thiny (50) days will be considered timely. If the period for reply specified above, the marking and advanced the specification is broadly and only a specified period for reply will be considered timely. If the period for reply specified above, the marking and of the communication of the days and the period of the period of the days and the period of the advanced of the period of the advanced of the period of the advanced of the adva | Oπice Action Summary | Examiner | Art Unit | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of from may be available under the provisions of 37 CFR 1.13(ii). In no event, however, may a reply be simily fixed If the period for reply specified shows, the maximum statutory group within the statutory minimum of thinty (30) days will be considered simily. If NO period for reply specified shows, the maximum statutory group within the statutory minimum of thinty (30) days will be considered simily. If NO period for reply specified shows, the maximum statutory group will expire SUK (5) MONTH'S from the mailing date of this communication. If NO period for reply specified shows, the maximum statutory group will expire SUK (5) MONTH'S from the mailing date of this communication, even if terruly stee, may reduce any second advanced to the specified shows, the maximum statutory and date of this communication, even if terruly stee, may reduce any second advanced to the specified shows, the maximum statutory and date of this communication, even if terruly stee, may reduce any second advanced to the specified shows, the maximum statutory and the communication, even if terruly stee, may reduce any second advanced to the specified shows the second shows the steem of the communication is considered to the communication is non-final. 3) | | · | | | | | |
| THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 3 CPR 1.13(g). In or event, however, may a reply be smely fled after SIX (g) MONTHS from the mailing date of his communication. It NO period for reply is specified above, the maintain attation period will apply and vite expect (g) (MONTHS from the mailing date of his communication. Failure to reply visitine the set or extended period for reply will, by statute, cause the application to become ABANDONED (IS U.S.C. § 133). Any reply received by the Office also the his marine main attation period will apply and vite expect (g) (MONTHS fine the maining date of his communication, even it timely filed, may reduce any canner platent term adjustment. See 37 CFR 1.79(b). Status 1) Responsive to communication(s) filed on 07 April 2004. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-33 isfare pending in the application. 4a) Of the above claim(s) isfare withdrawn from consideration. 5) Claim(s) 1-33 isfare rejected. 7) Claim(s) isfare objected to. 8) Claim(s) 1-33 isfare rejected. 7) The drawing(s) filed on 07 April 2004 isfare: a) accepted or b) objected to by the Examiner. Application Papers 9) The precification is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) Note of the priority documents have been r | | | | | | | |
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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 04/07/04 has been considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Craig (US 5,759,043).

Craig teaches a portable card that facilitates timely exercise management comprising:

a base (12) having a generally rigid, rectangular configuration with first and second planar surfaces, the base made of paper stock material and laminated with a clear plastic film, the base being approximately four inches in height by six inches in width (generally rectangular), see column 3, lines 37-58; and

indicia (18, 20,22,24,26) on a first planar surface (front) and indicia (see Figure 2) on a second planar surface (rear) arranged in a table of columns and rows as applicable,

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an aperture (28) formed through the base that is configured for attachment to another article.

With specific regards to the recited indicia of claims 1-8, 12-19, 23-29, 32-33, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide whatever indicia is desired by the user (whether it be exercise instructions, scheduling information for repositioning bedridden patients, or promotional information), since it would only depend on the intended use of the assembly and the information desired to be displayed. Further it has been held that when the claimed printed matter is not functionally related to the substrate it will not distinguish the invention from the prior art in terms of patentability, see MPEP 2112.01 paragraph III.

See also In re Gulack, 703 F.2d 1381, 1385-86, 217 USPQ 401, 404 (Fed. Cir. 1983).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lambert teaches a method and system for documenting taking medication. Sadler, Jr. et al. teaches an event reminder device. O'Brien teaches a shirt pocket card. Saari teaches a planner. Freund teaches a scheduling system. Anderson teaches an exercise program method. Durand teaches a daily planner. Womack teaches a chore buddy.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Royal whose telephone number is 571-272-6652. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

P. Royal 6/27/2005

Paul Royal Examiner Art Unit 3611

JOANNE SILBERMANN PRIMARY EXAMINER